

REMARKS

In the office action, claims 1-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Figure 3 of the present application in view of U. S. Patent No. 5,438,301 (Havens et al.) and further in view of U. S. Patent No. 5,239,274 (Chi). With respect to Figure 3 of the present application, the purpose of Figure 3 and the background of the invention are to provide context for the invention and indicate problems that are overcome by the invention. Applicant does not admit that these teachings are prior art under the requisite statutes but are merely provided here to provide context for the detailed description. Furthermore, on page 4, lines 1-4 of the background, the problems with this arrangement of Figure 3 are described and its undesirability described. Accordingly, the un-obviousness of the invention is illustrated by that section over the contextual information. As described in the MPEP, the "background of the invention" describes related art which includes information disclosed under 37 CFR § 1.97 and § 1.98, which implies that information not citable in an information disclosure statement may also be included in the background of the invention.

With respect to Havens, Havens does not disclose an image rejection mixer. Havens discloses a ring oscillator used for producing an I and Q component for use in producing a modulating carrier signal. Furthermore, this reference does not

disclose the use of the delay cells as mentioned in the office action. Chi is cited for disclosing delay cells for use in a ring oscillator. This reference does not disclose any use of the circuit in connection with an image rejection mixer. The reference disclosed in the final office action, U. S. Patent No. 5,140,198 (Atherly et al.) is an illustration of an image canceling mixer. As previously described, this arrangement uses a level shift and inverter to correct for the problems as described on page 4 of the present application. The present invention provides a better circuit than this by use of the delay cells eliminating the need for the level shift and inverter. The failure of any reference to disclose the use of a delay cell and the non-use of a level shift and inverter in an image rejection mixer illustrates the un-obviousness of the present invention.

Furthermore, newly added depending claims 16-18 further emphasizes the distinction of the present invention in the prior art by describing the configuration of the constitution of the delay cells which is not disclosed in any of the cited references and further distinguish the present invention from Atherly, Chi or Havens.

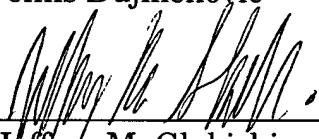
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Reconsideration and entry of this amendment is respectfully requested.

Respectfully submitted,

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